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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,093	02/23/2005	Kousuke Tanaka	49677-168	3272
20277 7590 03/06/2009 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096				
EXAMINER				
SONG, SARAH U				
ART UNIT		PAPER NUMBER		
2874				
MAIL DATE		DELIVERY MODE		
03/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/525,093

**Applicant(s)**

TANAKA ET AL.

**Examiner**

Sarah Song

**Art Unit**

2874

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7 and 9-11 is/are allowed.
- 6) ☒ Claim(s) 5, 8 and 12-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 7, 2008 has been entered.
2. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shahid (U.S. Patent 6,295,400 previously relied upon).**
3. Regarding claim 5, Shahid discloses a film for tape core assembly comprising: a flexible film 44 capable of integrating a plurality of optical fibers as a tape, and a plurality of position limiting portions (adhesive disposed in between adjacent optical fibers are inherently position limiting portions) limiting the positions of said plurality of optical fibers wherein the pitch of arrangement of said position limiting portions at one end portion of said flexible film is different from the pitch of arrangement of said plurality of position limiting portions at the other end portion of said flexible film. See Figures 1-3 and column 3, line 35 through column 5, line 6. The flexible film further comprises an adhesive layer 48, and a base layer 46, the positioning limiting portions provided on (i.e. integral with) at least one of the adhesive layer and the base layer.
4. **Claims 8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shahid in view of Lee et al. (U.S. Patent 5,611,017 previously relied upon).**

5. Shahid discloses the claimed invention but does not expressly disclose said optical fibers compression bonded to said flexible film, and the adhesive layer interposed between said optical fibers and said flexible film. See Figures 1-3 and column 3, line 35 through column 5, line 6.
6. Lee et al. discloses a film 74 for a tape core assembly comprising an adhesive layer 72, said optical fibers compression bonded to said flexible film, and the adhesive layer interposed between said optical fibers and said flexible film.
7. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to compression bond said optical fibers to said flexible film, the adhesive layer interposed between said optical fibers and said flexible film in the film of Shahid in order to effectively seal the lateral edges of the optical fiber ribbon from environmental contamination as taught by Lee et al. (column 11, lines 3-13).
8. Regarding claims 12-14, Shahid does not expressly disclose the ribbon-like optical fiber core assembly connected with a connector or fiber array. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a connector or fiber array for further transmission to remote devices in a communications network. Resultantly, the ribbon-like optical fiber core assembly would be optically wired to the connector or fiber array.

***Allowable Subject Matter***

9. Claims 1-4, 7 and 9-11 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record does not disclose or fairly suggest, the fiber core assembly comprising the

plurality of position limiting portions in combination with the claimed tensile strength of the tape layer. The corresponding method is also not disclosed or fairly suggested.

***Response to Arguments***

11. Applicant's arguments filed November 7, 2008 have been fully considered but they are not persuasive. Applicant states that the position limiting portions relied upon by the Examiner correspond to grooves 60 of a guide cylinder, a part of the apparatus that produces the optical fiber ribbon. Although Applicant is correct with regard to grooves 60, it is noted that Examiner relied upon the portion of adhesive 48 disposed in the spaces between the optical fibers 36 as the position limiting portions. Furthermore, Shahid shows the ribbon tape member (flexible film) composed of two separate films 46 (top film and bottom film in Figure 3), wherein one may be considered a base layer, and wherein both are distinct from the adhesive layer.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Song whose telephone number is 571-272-2359. The examiner can normally be reached on M-Th 7:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on 571-272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sarah Song/  
Primary Examiner, Art Unit 2874